

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CR-19-373-009-F
	)	
JONITA CLOUD,	)	
	)	
Defendant.	)	

**ORDER**

On March 30, 2022, defendant Jonita Cloud was sentenced by this court to a term of imprisonment of 180 months and a term of supervised release of five years for possession of methamphetamine with intent to distribute in violation of 21 U.S.C. § 841(a)(1). Doc. no. 555. Judgment was entered on March 31, 2022. Doc. no. 557.

On January 16, 2024, defendant filed a Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 821 of the Federal Sentencing Guidelines. Doc. no. 601. This court dismissed the motion in an order filed February 7, 2024. Doc. no. 604.

On June 26, 2024, defendant filed a “Motion for Reconsideration 18 U.S.C. [§] 3742(e) Post-Sentencing Rehabilitation Programming.” Doc. no. 607.<sup>1</sup> To date, plaintiff United States of America has not responded to the motion. Upon review, the court concludes a response is not required.

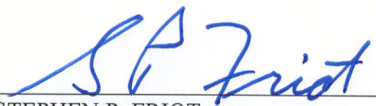
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<sup>1</sup> In addition to the filing of the motion, the court has received several letters from defendant’s family urging her release. Those letters have not been filed of record.

In her motion, defendant requests a reduction of sentence pursuant to 18 U.S.C. § 3742(e) based upon her post-sentencing rehabilitation efforts. According to defendant, she has received “13 certificates” since her incarceration. Defendant cites Pepper v. United States, 562 U.S. 476 (2011), in support of her motion. However, in Pepper, the Supreme Court held that a district court may consider evidence of a defendant’s post-sentencing rehabilitation “when a defendant’s sentence has been set aside on appeal and [her] case remanded for resentencing[.]” *Id.* at 490-91. In this case, defendant’s sentence has not been set aside by the Tenth Circuit Court of Appeals and remanded to this court for resentencing. Consequently, § 3742(e) and Pepper do not provide authority for the court to reduce defendant’s sentence. As such, defendant is not eligible for a sentence reduction under § 3742(e) and the court finds defendant’s motion should be dismissed.

Accordingly, defendant Jonita Cloud’s “Motion for Reconsideration 18 U.S.C. [§] 3742(e) Post-Sentencing Rehabilitation Programming” (doc. no. 607), is **DISMISSED**.

DATED this 18<sup>th</sup> day of July, 2024.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE